



Sen. Laura Fine

**Filed: 2/20/2019**

10100SB1116sam001

LRB101 08503 SLF 56522 a

1 AMENDMENT TO SENATE BILL 1116

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1116 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Children and Family Services Act is amended  
5 by changing Section 5 as follows:

6 (20 ILCS 505/5) (from Ch. 23, par. 5005)

7 Sec. 5. Direct child welfare services; Department of  
8 Children and Family Services. To provide direct child welfare  
9 services when not available through other public or private  
10 child care or program facilities.

11 (a) For purposes of this Section:

12 (1) "Children" means persons found within the State who  
13 are under the age of 18 years. The term also includes  
14 persons under age 21 who:

15 (A) were committed to the Department pursuant to  
16 the Juvenile Court Act or the Juvenile Court Act of

1 1987, as amended, ~~prior to the age of 18~~ and who  
2 continue under the jurisdiction of the court; or

3 (B) were accepted for care, service and training by  
4 the Department prior to the age of 18 and whose best  
5 interest in the discretion of the Department would be  
6 served by continuing that care, service and training  
7 because of severe emotional disturbances, physical  
8 disability, social adjustment or any combination  
9 thereof, or because of the need to complete an  
10 educational or vocational training program.

11 (2) "Homeless youth" means persons found within the  
12 State who are under the age of 19, are not in a safe and  
13 stable living situation and cannot be reunited with their  
14 families.

15 (3) "Child welfare services" means public social  
16 services which are directed toward the accomplishment of  
17 the following purposes:

18 (A) protecting and promoting the health, safety  
19 and welfare of children, including homeless, dependent  
20 or neglected children;

21 (B) remedying, or assisting in the solution of  
22 problems which may result in, the neglect, abuse,  
23 exploitation or delinquency of children;

24 (C) preventing the unnecessary separation of  
25 children from their families by identifying family  
26 problems, assisting families in resolving their

1 problems, and preventing the breakup of the family  
2 where the prevention of child removal is desirable and  
3 possible when the child can be cared for at home  
4 without endangering the child's health and safety;

5 (D) restoring to their families children who have  
6 been removed, by the provision of services to the child  
7 and the families when the child can be cared for at  
8 home without endangering the child's health and  
9 safety;

10 (E) placing children in suitable adoptive homes,  
11 in cases where restoration to the biological family is  
12 not safe, possible or appropriate;

13 (F) assuring safe and adequate care of children  
14 away from their homes, in cases where the child cannot  
15 be returned home or cannot be placed for adoption. At  
16 the time of placement, the Department shall consider  
17 concurrent planning, as described in subsection (1-1)  
18 of this Section so that permanency may occur at the  
19 earliest opportunity. Consideration should be given so  
20 that if reunification fails or is delayed, the  
21 placement made is the best available placement to  
22 provide permanency for the child;

23 (G) (blank);

24 (H) (blank); and

25 (I) placing and maintaining children in facilities  
26 that provide separate living quarters for children

1 under the age of 18 and for children 18 years of age  
2 and older, unless a child 18 years of age is in the  
3 last year of high school education or vocational  
4 training, in an approved individual or group treatment  
5 program, in a licensed shelter facility, or secure  
6 child care facility. The Department is not required to  
7 place or maintain children:

8 (i) who are in a foster home, or

9 (ii) who are persons with a developmental  
10 disability, as defined in the Mental Health and  
11 Developmental Disabilities Code, or

12 (iii) who are female children who are  
13 pregnant, pregnant and parenting or parenting, or

14 (iv) who are siblings, in facilities that  
15 provide separate living quarters for children 18  
16 years of age and older and for children under 18  
17 years of age.

18 (b) Nothing in this Section shall be construed to authorize  
19 the expenditure of public funds for the purpose of performing  
20 abortions.

21 (c) The Department shall establish and maintain  
22 tax-supported child welfare services and extend and seek to  
23 improve voluntary services throughout the State, to the end  
24 that services and care shall be available on an equal basis  
25 throughout the State to children requiring such services.

26 (d) The Director may authorize advance disbursements for

1 any new program initiative to any agency contracting with the  
2 Department. As a prerequisite for an advance disbursement, the  
3 contractor must post a surety bond in the amount of the advance  
4 disbursement and have a purchase of service contract approved  
5 by the Department. The Department may pay up to 2 months  
6 operational expenses in advance. The amount of the advance  
7 disbursement shall be prorated over the life of the contract or  
8 the remaining months of the fiscal year, whichever is less, and  
9 the installment amount shall then be deducted from future  
10 bills. Advance disbursement authorizations for new initiatives  
11 shall not be made to any agency after that agency has operated  
12 during 2 consecutive fiscal years. The requirements of this  
13 Section concerning advance disbursements shall not apply with  
14 respect to the following: payments to local public agencies for  
15 child day care services as authorized by Section 5a of this  
16 Act; and youth service programs receiving grant funds under  
17 Section 17a-4.

18 (e) (Blank).

19 (f) (Blank).

20 (g) The Department shall establish rules and regulations  
21 concerning its operation of programs designed to meet the goals  
22 of child safety and protection, family preservation, family  
23 reunification, and adoption, including but not limited to:

24 (1) adoption;

25 (2) foster care;

26 (3) family counseling;

- 1 (4) protective services;
- 2 (5) (blank);
- 3 (6) homemaker service;
- 4 (7) return of runaway children;
- 5 (8) (blank);
- 6 (9) placement under Section 5-7 of the Juvenile Court
- 7 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile
- 8 Court Act of 1987 in accordance with the federal Adoption
- 9 Assistance and Child Welfare Act of 1980; and
- 10 (10) interstate services.

11 Rules and regulations established by the Department shall  
12 include provisions for training Department staff and the staff  
13 of Department grantees, through contracts with other agencies  
14 or resources, in screening techniques to identify substance use  
15 disorders, as defined in the Substance Use Disorder Act,  
16 approved by the Department of Human Services, as a successor to  
17 the Department of Alcoholism and Substance Abuse, for the  
18 purpose of identifying children and adults who should be  
19 referred for an assessment at an organization appropriately  
20 licensed by the Department of Human Services for substance use  
21 disorder treatment.

22 (h) If the Department finds that there is no appropriate  
23 program or facility within or available to the Department for a  
24 youth in care and that no licensed private facility has an  
25 adequate and appropriate program or none agrees to accept the  
26 youth in care, the Department shall create an appropriate

1 individualized, program-oriented plan for such youth in care.  
2 The plan may be developed within the Department or through  
3 purchase of services by the Department to the extent that it is  
4 within its statutory authority to do.

5 (i) Service programs shall be available throughout the  
6 State and shall include but not be limited to the following  
7 services:

8 (1) case management;

9 (2) homemakers;

10 (3) counseling;

11 (4) parent education;

12 (5) day care; and

13 (6) emergency assistance and advocacy.

14 In addition, the following services may be made available  
15 to assess and meet the needs of children and families:

16 (1) comprehensive family-based services;

17 (2) assessments;

18 (3) respite care; and

19 (4) in-home health services.

20 The Department shall provide transportation for any of the  
21 services it makes available to children or families or for  
22 which it refers children or families.

23 (j) The Department may provide categories of financial  
24 assistance and education assistance grants, and shall  
25 establish rules and regulations concerning the assistance and  
26 grants, to persons who adopt children with physical or mental

1 disabilities, children who are older, or other hard-to-place  
2 children who (i) immediately prior to their adoption were youth  
3 in care or (ii) were determined eligible for financial  
4 assistance with respect to a prior adoption and who become  
5 available for adoption because the prior adoption has been  
6 dissolved and the parental rights of the adoptive parents have  
7 been terminated or because the child's adoptive parents have  
8 died. The Department may continue to provide financial  
9 assistance and education assistance grants for a child who was  
10 determined eligible for financial assistance under this  
11 subsection (j) in the interim period beginning when the child's  
12 adoptive parents died and ending with the finalization of the  
13 new adoption of the child by another adoptive parent or  
14 parents. The Department may also provide categories of  
15 financial assistance and education assistance grants, and  
16 shall establish rules and regulations for the assistance and  
17 grants, to persons appointed guardian of the person under  
18 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
19 4-25, or 5-740 of the Juvenile Court Act of 1987 for children  
20 who were youth in care for 12 months immediately prior to the  
21 appointment of the guardian.

22 The amount of assistance may vary, depending upon the needs  
23 of the child and the adoptive parents, as set forth in the  
24 annual assistance agreement. Special purpose grants are  
25 allowed where the child requires special service but such costs  
26 may not exceed the amounts which similar services would cost

1 the Department if it were to provide or secure them as guardian  
2 of the child.

3 Any financial assistance provided under this subsection is  
4 inalienable by assignment, sale, execution, attachment,  
5 garnishment, or any other remedy for recovery or collection of  
6 a judgment or debt.

7 (j-5) The Department shall not deny or delay the placement  
8 of a child for adoption if an approved family is available  
9 either outside of the Department region handling the case, or  
10 outside of the State of Illinois.

11 (k) The Department shall accept for care and training any  
12 child who has been adjudicated neglected or abused, or  
13 dependent committed to it pursuant to the Juvenile Court Act or  
14 the Juvenile Court Act of 1987.

15 (l) The Department shall offer family preservation  
16 services, as defined in Section 8.2 of the Abused and Neglected  
17 Child Reporting Act, to help families, including adoptive and  
18 extended families. Family preservation services shall be  
19 offered (i) to prevent the placement of children in substitute  
20 care when the children can be cared for at home or in the  
21 custody of the person responsible for the children's welfare,  
22 (ii) to reunite children with their families, or (iii) to  
23 maintain an adoptive placement. Family preservation services  
24 shall only be offered when doing so will not endanger the  
25 children's health or safety. With respect to children who are  
26 in substitute care pursuant to the Juvenile Court Act of 1987,

1 family preservation services shall not be offered if a goal  
2 other than those of subdivisions (A), (B), or (B-1) of  
3 subsection (2) of Section 2-28 of that Act has been set, except  
4 that reunification services may be offered as provided in  
5 paragraph (F) of subsection (2) of Section 2-28 of that Act.  
6 Nothing in this paragraph shall be construed to create a  
7 private right of action or claim on the part of any individual  
8 or child welfare agency, except that when a child is the  
9 subject of an action under Article II of the Juvenile Court Act  
10 of 1987 and the child's service plan calls for services to  
11 facilitate achievement of the permanency goal, the court  
12 hearing the action under Article II of the Juvenile Court Act  
13 of 1987 may order the Department to provide the services set  
14 out in the plan, if those services are not provided with  
15 reasonable promptness and if those services are available.

16 The Department shall notify the child and his family of the  
17 Department's responsibility to offer and provide family  
18 preservation services as identified in the service plan. The  
19 child and his family shall be eligible for services as soon as  
20 the report is determined to be "indicated". The Department may  
21 offer services to any child or family with respect to whom a  
22 report of suspected child abuse or neglect has been filed,  
23 prior to concluding its investigation under Section 7.12 of the  
24 Abused and Neglected Child Reporting Act. However, the child's  
25 or family's willingness to accept services shall not be  
26 considered in the investigation. The Department may also

1 provide services to any child or family who is the subject of  
2 any report of suspected child abuse or neglect or may refer  
3 such child or family to services available from other agencies  
4 in the community, even if the report is determined to be  
5 unfounded, if the conditions in the child's or family's home  
6 are reasonably likely to subject the child or family to future  
7 reports of suspected child abuse or neglect. Acceptance of such  
8 services shall be voluntary. The Department may also provide  
9 services to any child or family after completion of a family  
10 assessment, as an alternative to an investigation, as provided  
11 under the "differential response program" provided for in  
12 subsection (a-5) of Section 7.4 of the Abused and Neglected  
13 Child Reporting Act.

14 The Department may, at its discretion except for those  
15 children also adjudicated neglected or dependent, accept for  
16 care and training any child who has been adjudicated addicted,  
17 as a truant minor in need of supervision or as a minor  
18 requiring authoritative intervention, under the Juvenile Court  
19 Act or the Juvenile Court Act of 1987, but no such child shall  
20 be committed to the Department by any court without the  
21 approval of the Department. On and after January 1, 2015 (the  
22 effective date of Public Act 98-803) and before January 1,  
23 2017, a minor charged with a criminal offense under the  
24 Criminal Code of 1961 or the Criminal Code of 2012 or  
25 adjudicated delinquent shall not be placed in the custody of or  
26 committed to the Department by any court, except (i) a minor

1 less than 16 years of age committed to the Department under  
2 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor  
3 for whom an independent basis of abuse, neglect, or dependency  
4 exists, which must be defined by departmental rule, or (iii) a  
5 minor for whom the court has granted a supplemental petition to  
6 reinstate wardship pursuant to subsection (2) of Section 2-33  
7 of the Juvenile Court Act of 1987. On and after January 1,  
8 2017, a minor charged with a criminal offense under the  
9 Criminal Code of 1961 or the Criminal Code of 2012 or  
10 adjudicated delinquent shall not be placed in the custody of or  
11 committed to the Department by any court, except (i) a minor  
12 less than 15 years of age committed to the Department under  
13 Section 5-710 of the Juvenile Court Act of 1987, ii) a minor  
14 for whom an independent basis of abuse, neglect, or dependency  
15 exists, which must be defined by departmental rule, or (iii) a  
16 minor for whom the court has granted a supplemental petition to  
17 reinstate wardship pursuant to subsection (2) of Section 2-33  
18 of the Juvenile Court Act of 1987. An independent basis exists  
19 when the allegations or adjudication of abuse, neglect, or  
20 dependency do not arise from the same facts, incident, or  
21 circumstances which give rise to a charge or adjudication of  
22 delinquency. The Department shall assign a caseworker to attend  
23 any hearing involving a youth in the care and custody of the  
24 Department who is placed on aftercare release, including  
25 hearings involving sanctions for violation of aftercare  
26 release conditions and aftercare release revocation hearings.

1           As soon as is possible after August 7, 2009 (the effective  
2 date of Public Act 96-134), the Department shall develop and  
3 implement a special program of family preservation services to  
4 support intact, foster, and adoptive families who are  
5 experiencing extreme hardships due to the difficulty and stress  
6 of caring for a child who has been diagnosed with a pervasive  
7 developmental disorder if the Department determines that those  
8 services are necessary to ensure the health and safety of the  
9 child. The Department may offer services to any family whether  
10 or not a report has been filed under the Abused and Neglected  
11 Child Reporting Act. The Department may refer the child or  
12 family to services available from other agencies in the  
13 community if the conditions in the child's or family's home are  
14 reasonably likely to subject the child or family to future  
15 reports of suspected child abuse or neglect. Acceptance of  
16 these services shall be voluntary. The Department shall develop  
17 and implement a public information campaign to alert health and  
18 social service providers and the general public about these  
19 special family preservation services. The nature and scope of  
20 the services offered and the number of families served under  
21 the special program implemented under this paragraph shall be  
22 determined by the level of funding that the Department annually  
23 allocates for this purpose. The term "pervasive developmental  
24 disorder" under this paragraph means a neurological condition,  
25 including but not limited to, Asperger's Syndrome and autism,  
26 as defined in the most recent edition of the Diagnostic and

1 Statistical Manual of Mental Disorders of the American  
2 Psychiatric Association.

3 (1-1) The legislature recognizes that the best interests of  
4 the child require that the child be placed in the most  
5 permanent living arrangement as soon as is practically  
6 possible. To achieve this goal, the legislature directs the  
7 Department of Children and Family Services to conduct  
8 concurrent planning so that permanency may occur at the  
9 earliest opportunity. Permanent living arrangements may  
10 include prevention of placement of a child outside the home of  
11 the family when the child can be cared for at home without  
12 endangering the child's health or safety; reunification with  
13 the family, when safe and appropriate, if temporary placement  
14 is necessary; or movement of the child toward the most  
15 permanent living arrangement and permanent legal status.

16 When determining reasonable efforts to be made with respect  
17 to a child, as described in this subsection, and in making such  
18 reasonable efforts, the child's health and safety shall be the  
19 paramount concern.

20 When a child is placed in foster care, the Department shall  
21 ensure and document that reasonable efforts were made to  
22 prevent or eliminate the need to remove the child from the  
23 child's home. The Department must make reasonable efforts to  
24 reunify the family when temporary placement of the child occurs  
25 unless otherwise required, pursuant to the Juvenile Court Act  
26 of 1987. At any time after the dispositional hearing where the

1 Department believes that further reunification services would  
2 be ineffective, it may request a finding from the court that  
3 reasonable efforts are no longer appropriate. The Department is  
4 not required to provide further reunification services after  
5 such a finding.

6 A decision to place a child in substitute care shall be  
7 made with considerations of the child's health, safety, and  
8 best interests. At the time of placement, consideration should  
9 also be given so that if reunification fails or is delayed, the  
10 placement made is the best available placement to provide  
11 permanency for the child.

12 The Department shall adopt rules addressing concurrent  
13 planning for reunification and permanency. The Department  
14 shall consider the following factors when determining  
15 appropriateness of concurrent planning:

- 16 (1) the likelihood of prompt reunification;
- 17 (2) the past history of the family;
- 18 (3) the barriers to reunification being addressed by  
19 the family;
- 20 (4) the level of cooperation of the family;
- 21 (5) the foster parents' willingness to work with the  
22 family to reunite;
- 23 (6) the willingness and ability of the foster family to  
24 provide an adoptive home or long-term placement;
- 25 (7) the age of the child;
- 26 (8) placement of siblings.

1 (m) The Department may assume temporary custody of any  
2 child if:

3 (1) it has received a written consent to such temporary  
4 custody signed by the parents of the child or by the parent  
5 having custody of the child if the parents are not living  
6 together or by the guardian or custodian of the child if  
7 the child is not in the custody of either parent, or

8 (2) the child is found in the State and neither a  
9 parent, guardian nor custodian of the child can be located.

10 If the child is found in his or her residence without a parent,  
11 guardian, custodian or responsible caretaker, the Department  
12 may, instead of removing the child and assuming temporary  
13 custody, place an authorized representative of the Department  
14 in that residence until such time as a parent, guardian or  
15 custodian enters the home and expresses a willingness and  
16 apparent ability to ensure the child's health and safety and  
17 resume permanent charge of the child, or until a relative  
18 enters the home and is willing and able to ensure the child's  
19 health and safety and assume charge of the child until a  
20 parent, guardian or custodian enters the home and expresses  
21 such willingness and ability to ensure the child's safety and  
22 resume permanent charge. After a caretaker has remained in the  
23 home for a period not to exceed 12 hours, the Department must  
24 follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
25 5-415 of the Juvenile Court Act of 1987.

26 The Department shall have the authority, responsibilities

1 and duties that a legal custodian of the child would have  
2 pursuant to subsection (9) of Section 1-3 of the Juvenile Court  
3 Act of 1987. Whenever a child is taken into temporary custody  
4 pursuant to an investigation under the Abused and Neglected  
5 Child Reporting Act, or pursuant to a referral and acceptance  
6 under the Juvenile Court Act of 1987 of a minor in limited  
7 custody, the Department, during the period of temporary custody  
8 and before the child is brought before a judicial officer as  
9 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile  
10 Court Act of 1987, shall have the authority, responsibilities  
11 and duties that a legal custodian of the child would have under  
12 subsection (9) of Section 1-3 of the Juvenile Court Act of  
13 1987.

14 The Department shall ensure that any child taken into  
15 custody is scheduled for an appointment for a medical  
16 examination.

17 A parent, guardian or custodian of a child in the temporary  
18 custody of the Department who would have custody of the child  
19 if he were not in the temporary custody of the Department may  
20 deliver to the Department a signed request that the Department  
21 surrender the temporary custody of the child. The Department  
22 may retain temporary custody of the child for 10 days after the  
23 receipt of the request, during which period the Department may  
24 cause to be filed a petition pursuant to the Juvenile Court Act  
25 of 1987. If a petition is so filed, the Department shall retain  
26 temporary custody of the child until the court orders

1 otherwise. If a petition is not filed within the 10-day period,  
2 the child shall be surrendered to the custody of the requesting  
3 parent, guardian or custodian not later than the expiration of  
4 the 10-day period, at which time the authority and duties of  
5 the Department with respect to the temporary custody of the  
6 child shall terminate.

7 (m-1) The Department may place children under 18 years of  
8 age in a secure child care facility licensed by the Department  
9 that cares for children who are in need of secure living  
10 arrangements for their health, safety, and well-being after a  
11 determination is made by the facility director and the Director  
12 or the Director's designate prior to admission to the facility  
13 subject to Section 2-27.1 of the Juvenile Court Act of 1987.  
14 This subsection (m-1) does not apply to a child who is subject  
15 to placement in a correctional facility operated pursuant to  
16 Section 3-15-2 of the Unified Code of Corrections, unless the  
17 child is a youth in care who was placed in the care of the  
18 Department before being subject to placement in a correctional  
19 facility and a court of competent jurisdiction has ordered  
20 placement of the child in a secure care facility.

21 (n) The Department may place children under 18 years of age  
22 in licensed child care facilities when in the opinion of the  
23 Department, appropriate services aimed at family preservation  
24 have been unsuccessful and cannot ensure the child's health and  
25 safety or are unavailable and such placement would be for their  
26 best interest. Payment for board, clothing, care, training and

1 supervision of any child placed in a licensed child care  
2 facility may be made by the Department, by the parents or  
3 guardians of the estates of those children, or by both the  
4 Department and the parents or guardians, except that no  
5 payments shall be made by the Department for any child placed  
6 in a licensed child care facility for board, clothing, care,  
7 training and supervision of such a child that exceed the  
8 average per capita cost of maintaining and of caring for a  
9 child in institutions for dependent or neglected children  
10 operated by the Department. However, such restriction on  
11 payments does not apply in cases where children require  
12 specialized care and treatment for problems of severe emotional  
13 disturbance, physical disability, social adjustment, or any  
14 combination thereof and suitable facilities for the placement  
15 of such children are not available at payment rates within the  
16 limitations set forth in this Section. All reimbursements for  
17 services delivered shall be absolutely inalienable by  
18 assignment, sale, attachment, garnishment or otherwise.

19 (n-1) The Department shall provide or authorize child  
20 welfare services, aimed at assisting minors to achieve  
21 sustainable self-sufficiency as independent adults, for any  
22 minor eligible for the reinstatement of wardship pursuant to  
23 subsection (2) of Section 2-33 of the Juvenile Court Act of  
24 1987, whether or not such reinstatement is sought or allowed,  
25 provided that the minor consents to such services and has not  
26 yet attained the age of 21. The Department shall have

1 responsibility for the development and delivery of services  
2 under this Section. An eligible youth may access services under  
3 this Section through the Department of Children and Family  
4 Services or by referral from the Department of Human Services.  
5 Youth participating in services under this Section shall  
6 cooperate with the assigned case manager in developing an  
7 agreement identifying the services to be provided and how the  
8 youth will increase skills to achieve self-sufficiency. A  
9 homeless shelter is not considered appropriate housing for any  
10 youth receiving child welfare services under this Section. The  
11 Department shall continue child welfare services under this  
12 Section to any eligible minor until the minor becomes 21 years  
13 of age, no longer consents to participate, or achieves  
14 self-sufficiency as identified in the minor's service plan. The  
15 Department of Children and Family Services shall create clear,  
16 readable notice of the rights of former foster youth to child  
17 welfare services under this Section and how such services may  
18 be obtained. The Department of Children and Family Services and  
19 the Department of Human Services shall disseminate this  
20 information statewide. The Department shall adopt regulations  
21 describing services intended to assist minors in achieving  
22 sustainable self-sufficiency as independent adults.

23 (o) The Department shall establish an administrative  
24 review and appeal process for children and families who request  
25 or receive child welfare services from the Department. Youth in  
26 care who are placed by private child welfare agencies, and

1 foster families with whom those youth are placed, shall be  
2 afforded the same procedural and appeal rights as children and  
3 families in the case of placement by the Department, including  
4 the right to an initial review of a private agency decision by  
5 that agency. The Department shall ensure that any private child  
6 welfare agency, which accepts youth in care for placement,  
7 affords those rights to children and foster families. The  
8 Department shall accept for administrative review and an appeal  
9 hearing a complaint made by (i) a child or foster family  
10 concerning a decision following an initial review by a private  
11 child welfare agency or (ii) a prospective adoptive parent who  
12 alleges a violation of subsection (j-5) of this Section. An  
13 appeal of a decision concerning a change in the placement of a  
14 child shall be conducted in an expedited manner. A court  
15 determination that a current foster home placement is necessary  
16 and appropriate under Section 2-28 of the Juvenile Court Act of  
17 1987 does not constitute a judicial determination on the merits  
18 of an administrative appeal, filed by a former foster parent,  
19 involving a change of placement decision.

20 (p) (Blank).

21 (q) The Department may receive and use, in their entirety,  
22 for the benefit of children any gift, donation or bequest of  
23 money or other property which is received on behalf of such  
24 children, or any financial benefits to which such children are  
25 or may become entitled while under the jurisdiction or care of  
26 the Department.

1           The Department shall set up and administer no-cost,  
2 interest-bearing accounts in appropriate financial  
3 institutions for children for whom the Department is legally  
4 responsible and who have been determined eligible for Veterans'  
5 Benefits, Social Security benefits, assistance allotments from  
6 the armed forces, court ordered payments, parental voluntary  
7 payments, Supplemental Security Income, Railroad Retirement  
8 payments, Black Lung benefits, or other miscellaneous  
9 payments. Interest earned by each account shall be credited to  
10 the account, unless disbursed in accordance with this  
11 subsection.

12           In disbursing funds from children's accounts, the  
13 Department shall:

14           (1) Establish standards in accordance with State and  
15 federal laws for disbursing money from children's  
16 accounts. In all circumstances, the Department's  
17 "Guardianship Administrator" or his or her designee must  
18 approve disbursements from children's accounts. The  
19 Department shall be responsible for keeping complete  
20 records of all disbursements for each account for any  
21 purpose.

22           (2) Calculate on a monthly basis the amounts paid from  
23 State funds for the child's board and care, medical care  
24 not covered under Medicaid, and social services; and  
25 utilize funds from the child's account, as covered by  
26 regulation, to reimburse those costs. Monthly,

1 disbursements from all children's accounts, up to 1/12 of  
2 \$13,000,000, shall be deposited by the Department into the  
3 General Revenue Fund and the balance over 1/12 of  
4 \$13,000,000 into the DCFS Children's Services Fund.

5 (3) Maintain any balance remaining after reimbursing  
6 for the child's costs of care, as specified in item (2).  
7 The balance shall accumulate in accordance with relevant  
8 State and federal laws and shall be disbursed to the child  
9 or his or her guardian, or to the issuing agency.

10 (r) The Department shall promulgate regulations  
11 encouraging all adoption agencies to voluntarily forward to the  
12 Department or its agent names and addresses of all persons who  
13 have applied for and have been approved for adoption of a  
14 hard-to-place child or child with a disability and the names of  
15 such children who have not been placed for adoption. A list of  
16 such names and addresses shall be maintained by the Department  
17 or its agent, and coded lists which maintain the  
18 confidentiality of the person seeking to adopt the child and of  
19 the child shall be made available, without charge, to every  
20 adoption agency in the State to assist the agencies in placing  
21 such children for adoption. The Department may delegate to an  
22 agent its duty to maintain and make available such lists. The  
23 Department shall ensure that such agent maintains the  
24 confidentiality of the person seeking to adopt the child and of  
25 the child.

26 (s) The Department of Children and Family Services may

1 establish and implement a program to reimburse Department and  
2 private child welfare agency foster parents licensed by the  
3 Department of Children and Family Services for damages  
4 sustained by the foster parents as a result of the malicious or  
5 negligent acts of foster children, as well as providing third  
6 party coverage for such foster parents with regard to actions  
7 of foster children to other individuals. Such coverage will be  
8 secondary to the foster parent liability insurance policy, if  
9 applicable. The program shall be funded through appropriations  
10 from the General Revenue Fund, specifically designated for such  
11 purposes.

12 (t) The Department shall perform home studies and  
13 investigations and shall exercise supervision over visitation  
14 as ordered by a court pursuant to the Illinois Marriage and  
15 Dissolution of Marriage Act or the Adoption Act only if:

16 (1) an order entered by an Illinois court specifically  
17 directs the Department to perform such services; and

18 (2) the court has ordered one or both of the parties to  
19 the proceeding to reimburse the Department for its  
20 reasonable costs for providing such services in accordance  
21 with Department rules, or has determined that neither party  
22 is financially able to pay.

23 The Department shall provide written notification to the  
24 court of the specific arrangements for supervised visitation  
25 and projected monthly costs within 60 days of the court order.  
26 The Department shall send to the court information related to

1 the costs incurred except in cases where the court has  
2 determined the parties are financially unable to pay. The court  
3 may order additional periodic reports as appropriate.

4 (u) In addition to other information that must be provided,  
5 whenever the Department places a child with a prospective  
6 adoptive parent or parents or in a licensed foster home, group  
7 home, child care institution, or in a relative home, the  
8 Department shall provide to the prospective adoptive parent or  
9 parents or other caretaker:

10 (1) available detailed information concerning the  
11 child's educational and health history, copies of  
12 immunization records (including insurance and medical card  
13 information), a history of the child's previous  
14 placements, if any, and reasons for placement changes  
15 excluding any information that identifies or reveals the  
16 location of any previous caretaker;

17 (2) a copy of the child's portion of the client service  
18 plan, including any visitation arrangement, and all  
19 amendments or revisions to it as related to the child; and

20 (3) information containing details of the child's  
21 individualized educational plan when the child is  
22 receiving special education services.

23 The caretaker shall be informed of any known social or  
24 behavioral information (including, but not limited to,  
25 criminal background, fire setting, perpetuation of sexual  
26 abuse, destructive behavior, and substance abuse) necessary to

1 care for and safeguard the children to be placed or currently  
2 in the home. The Department may prepare a written summary of  
3 the information required by this paragraph, which may be  
4 provided to the foster or prospective adoptive parent in  
5 advance of a placement. The foster or prospective adoptive  
6 parent may review the supporting documents in the child's file  
7 in the presence of casework staff. In the case of an emergency  
8 placement, casework staff shall at least provide known  
9 information verbally, if necessary, and must subsequently  
10 provide the information in writing as required by this  
11 subsection.

12 The information described in this subsection shall be  
13 provided in writing. In the case of emergency placements when  
14 time does not allow prior review, preparation, and collection  
15 of written information, the Department shall provide such  
16 information as it becomes available. Within 10 business days  
17 after placement, the Department shall obtain from the  
18 prospective adoptive parent or parents or other caretaker a  
19 signed verification of receipt of the information provided.  
20 Within 10 business days after placement, the Department shall  
21 provide to the child's guardian ad litem a copy of the  
22 information provided to the prospective adoptive parent or  
23 parents or other caretaker. The information provided to the  
24 prospective adoptive parent or parents or other caretaker shall  
25 be reviewed and approved regarding accuracy at the supervisory  
26 level.

1           (u-5) Effective July 1, 1995, only foster care placements  
2 licensed as foster family homes pursuant to the Child Care Act  
3 of 1969 shall be eligible to receive foster care payments from  
4 the Department. Relative caregivers who, as of July 1, 1995,  
5 were approved pursuant to approved relative placement rules  
6 previously promulgated by the Department at 89 Ill. Adm. Code  
7 335 and had submitted an application for licensure as a foster  
8 family home may continue to receive foster care payments only  
9 until the Department determines that they may be licensed as a  
10 foster family home or that their application for licensure is  
11 denied or until September 30, 1995, whichever occurs first.

12           (v) The Department shall access criminal history record  
13 information as defined in the Illinois Uniform Conviction  
14 Information Act and information maintained in the adjudicatory  
15 and dispositional record system as defined in Section 2605-355  
16 of the Department of State Police Law (20 ILCS 2605/2605-355)  
17 if the Department determines the information is necessary to  
18 perform its duties under the Abused and Neglected Child  
19 Reporting Act, the Child Care Act of 1969, and the Children and  
20 Family Services Act. The Department shall provide for  
21 interactive computerized communication and processing  
22 equipment that permits direct on-line communication with the  
23 Department of State Police's central criminal history data  
24 repository. The Department shall comply with all certification  
25 requirements and provide certified operators who have been  
26 trained by personnel from the Department of State Police. In

1 addition, one Office of the Inspector General investigator  
2 shall have training in the use of the criminal history  
3 information access system and have access to the terminal. The  
4 Department of Children and Family Services and its employees  
5 shall abide by rules and regulations established by the  
6 Department of State Police relating to the access and  
7 dissemination of this information.

8 (v-1) Prior to final approval for placement of a child, the  
9 Department shall conduct a criminal records background check of  
10 the prospective foster or adoptive parent, including  
11 fingerprint-based checks of national crime information  
12 databases. Final approval for placement shall not be granted if  
13 the record check reveals a felony conviction for child abuse or  
14 neglect, for spousal abuse, for a crime against children, or  
15 for a crime involving violence, including rape, sexual assault,  
16 or homicide, but not including other physical assault or  
17 battery, or if there is a felony conviction for physical  
18 assault, battery, or a drug-related offense committed within  
19 the past 5 years.

20 (v-2) Prior to final approval for placement of a child, the  
21 Department shall check its child abuse and neglect registry for  
22 information concerning prospective foster and adoptive  
23 parents, and any adult living in the home. If any prospective  
24 foster or adoptive parent or other adult living in the home has  
25 resided in another state in the preceding 5 years, the  
26 Department shall request a check of that other state's child

1 abuse and neglect registry.

2 (w) Within 120 days of August 20, 1995 (the effective date  
3 of Public Act 89-392), the Department shall prepare and submit  
4 to the Governor and the General Assembly, a written plan for  
5 the development of in-state licensed secure child care  
6 facilities that care for children who are in need of secure  
7 living arrangements for their health, safety, and well-being.  
8 For purposes of this subsection, secure care facility shall  
9 mean a facility that is designed and operated to ensure that  
10 all entrances and exits from the facility, a building or a  
11 distinct part of the building, are under the exclusive control  
12 of the staff of the facility, whether or not the child has the  
13 freedom of movement within the perimeter of the facility,  
14 building, or distinct part of the building. The plan shall  
15 include descriptions of the types of facilities that are needed  
16 in Illinois; the cost of developing these secure care  
17 facilities; the estimated number of placements; the potential  
18 cost savings resulting from the movement of children currently  
19 out-of-state who are projected to be returned to Illinois; the  
20 necessary geographic distribution of these facilities in  
21 Illinois; and a proposed timetable for development of such  
22 facilities.

23 (x) The Department shall conduct annual credit history  
24 checks to determine the financial history of children placed  
25 under its guardianship pursuant to the Juvenile Court Act of  
26 1987. The Department shall conduct such credit checks starting

1 when a youth in care turns 12 years old and each year  
2 thereafter for the duration of the guardianship as terminated  
3 pursuant to the Juvenile Court Act of 1987. The Department  
4 shall determine if financial exploitation of the child's  
5 personal information has occurred. If financial exploitation  
6 appears to have taken place or is presently ongoing, the  
7 Department shall notify the proper law enforcement agency, the  
8 proper State's Attorney, or the Attorney General.

9 (y) Beginning on July 22, 2010 (the effective date of  
10 Public Act 96-1189), a child with a disability who receives  
11 residential and educational services from the Department shall  
12 be eligible to receive transition services in accordance with  
13 Article 14 of the School Code from the age of 14.5 through age  
14 21, inclusive, notwithstanding the child's residential  
15 services arrangement. For purposes of this subsection, "child  
16 with a disability" means a child with a disability as defined  
17 by the federal Individuals with Disabilities Education  
18 Improvement Act of 2004.

19 (z) The Department shall access criminal history record  
20 information as defined as "background information" in this  
21 subsection and criminal history record information as defined  
22 in the Illinois Uniform Conviction Information Act for each  
23 Department employee or Department applicant. Each Department  
24 employee or Department applicant shall submit his or her  
25 fingerprints to the Department of State Police in the form and  
26 manner prescribed by the Department of State Police. These

1 fingerprints shall be checked against the fingerprint records  
2 now and hereafter filed in the Department of State Police and  
3 the Federal Bureau of Investigation criminal history records  
4 databases. The Department of State Police shall charge a fee  
5 for conducting the criminal history record check, which shall  
6 be deposited into the State Police Services Fund and shall not  
7 exceed the actual cost of the record check. The Department of  
8 State Police shall furnish, pursuant to positive  
9 identification, all Illinois conviction information to the  
10 Department of Children and Family Services.

11 For purposes of this subsection:

12 "Background information" means all of the following:

13 (i) Upon the request of the Department of Children and  
14 Family Services, conviction information obtained from the  
15 Department of State Police as a result of a  
16 fingerprint-based criminal history records check of the  
17 Illinois criminal history records database and the Federal  
18 Bureau of Investigation criminal history records database  
19 concerning a Department employee or Department applicant.

20 (ii) Information obtained by the Department of  
21 Children and Family Services after performing a check of  
22 the Department of State Police's Sex Offender Database, as  
23 authorized by Section 120 of the Sex Offender Community  
24 Notification Law, concerning a Department employee or  
25 Department applicant.

26 (iii) Information obtained by the Department of

1 Children and Family Services after performing a check of  
2 the Child Abuse and Neglect Tracking System (CANTS)  
3 operated and maintained by the Department.

4 "Department employee" means a full-time or temporary  
5 employee coded or certified within the State of Illinois  
6 Personnel System.

7 "Department applicant" means an individual who has  
8 conditional Department full-time or part-time work, a  
9 contractor, an individual used to replace or supplement staff,  
10 an academic intern, a volunteer in Department offices or on  
11 Department contracts, a work-study student, an individual or  
12 entity licensed by the Department, or an unlicensed service  
13 provider who works as a condition of a contract or an agreement  
14 and whose work may bring the unlicensed service provider into  
15 contact with Department clients or client records.

16 (Source: P.A. 99-143, eff. 7-27-15; 99-933, eff. 1-27-17;  
17 100-159, eff. 8-18-17; 100-522, eff. 9-22-17; 100-759, eff.  
18 1-1-19; 100-863, eff. 8-14-18; 100-978, eff. 8-19-18; revised  
19 10-3-18.)

20 Section 10. The Juvenile Court Act of 1987 is amended by  
21 changing Sections 2-3, 2-4, 2-23, 2-27, and 5-710 as follows:

22 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

23 Sec. 2-3. Neglected or abused minor.

24 (1) Those who are neglected include:

1           (a) any minor under 18 years of age or a minor 18 years  
2 of age or older for whom the court has made a finding of  
3 probable cause to believe the that minor is abused,  
4 neglected, or dependent under subsection (1) of Section  
5 2-10 prior to the minor's 18th birthday who is not  
6 receiving the proper or necessary support, education as  
7 required by law, or medical or other remedial care  
8 recognized under State law as necessary for a minor's  
9 well-being, or other care necessary for his or her  
10 well-being, including adequate food, clothing and shelter,  
11 or who is abandoned by his or her parent or parents or  
12 other person or persons responsible for the minor's  
13 welfare, except that a minor shall not be considered  
14 neglected for the sole reason that the minor's parent or  
15 parents or other person or persons responsible for the  
16 minor's welfare have left the minor in the care of an adult  
17 relative for any period of time, who the parent or parents  
18 or other person responsible for the minor's welfare know is  
19 both a mentally capable adult relative and physically  
20 capable adult relative, as defined by this Act; or

21           (b) any minor under 18 years of age or a minor 18 years  
22 of age or older for whom the court has made a finding of  
23 probable cause to believe the that minor is abused,  
24 neglected, or dependent under subsection (1) of Section  
25 2-10 prior to the minor's 18th birthday whose environment  
26 is injurious to his or her welfare; or

1 (c) any newborn infant whose blood, urine, or meconium  
2 contains any amount of a controlled substance as defined in  
3 subsection (f) of Section 102 of the Illinois Controlled  
4 Substances Act, as now or hereafter amended, or a  
5 metabolite of a controlled substance, with the exception of  
6 controlled substances or metabolites of such substances,  
7 the presence of which in the newborn infant is the result  
8 of medical treatment administered to the mother or the  
9 newborn infant; or

10 (d) any minor under the age of 14 years whose parent or  
11 other person responsible for the minor's welfare leaves the  
12 minor without supervision for an unreasonable period of  
13 time without regard for the mental or physical health,  
14 safety, or welfare of that minor; or

15 (e) any minor who has been provided with interim crisis  
16 intervention services under Section 3-5 of this Act and  
17 whose parent, guardian, or custodian refuses to permit the  
18 minor to return home unless the minor is an immediate  
19 physical danger to himself, herself, or others living in  
20 the home.

21 Whether the minor was left without regard for the mental or  
22 physical health, safety, or welfare of that minor or the period  
23 of time was unreasonable shall be determined by considering the  
24 following factors, including but not limited to:

25 (1) the age of the minor;

26 (2) the number of minors left at the location;

1           (3) special needs of the minor, including whether the  
2 minor is a person with a physical or mental disability, or  
3 otherwise in need of ongoing prescribed medical treatment  
4 such as periodic doses of insulin or other medications;

5           (4) the duration of time in which the minor was left  
6 without supervision;

7           (5) the condition and location of the place where the  
8 minor was left without supervision;

9           (6) the time of day or night when the minor was left  
10 without supervision;

11           (7) the weather conditions, including whether the  
12 minor was left in a location with adequate protection from  
13 the natural elements such as adequate heat or light;

14           (8) the location of the parent or guardian at the time  
15 the minor was left without supervision, the physical  
16 distance the minor was from the parent or guardian at the  
17 time the minor was without supervision;

18           (9) whether the minor's movement was restricted, or the  
19 minor was otherwise locked within a room or other  
20 structure;

21           (10) whether the minor was given a phone number of a  
22 person or location to call in the event of an emergency and  
23 whether the minor was capable of making an emergency call;

24           (11) whether there was food and other provision left  
25 for the minor;

26           (12) whether any of the conduct is attributable to

1 economic hardship or illness and the parent, guardian or  
2 other person having physical custody or control of the  
3 child made a good faith effort to provide for the health  
4 and safety of the minor;

5 (13) the age and physical and mental capabilities of  
6 the person or persons who provided supervision for the  
7 minor;

8 (14) whether the minor was left under the supervision  
9 of another person;

10 (15) any other factor that would endanger the health  
11 and safety of that particular minor.

12 A minor shall not be considered neglected for the sole  
13 reason that the minor has been relinquished in accordance with  
14 the Abandoned Newborn Infant Protection Act.

15 (2) Those who are abused include any minor under 18 years  
16 of age or a minor 18 years of age or older for whom the court  
17 has made a finding of probable cause to believe the that minor  
18 is abused, neglected, or dependent under subsection (1) of  
19 Section 2-10 prior to the minor's 18th birthday whose parent or  
20 immediate family member, or any person responsible for the  
21 minor's welfare, or any person who is in the same family or  
22 household as the minor, or any individual residing in the same  
23 home as the minor, or a paramour of the minor's parent:

24 (i) inflicts, causes to be inflicted, or allows to be  
25 inflicted upon such minor physical injury, by other than  
26 accidental means, which causes death, disfigurement,

1 impairment of physical or emotional health, or loss or  
2 impairment of any bodily function;

3 (ii) creates a substantial risk of physical injury to  
4 such minor by other than accidental means which would be  
5 likely to cause death, disfigurement, impairment of  
6 emotional health, or loss or impairment of any bodily  
7 function;

8 (iii) commits or allows to be committed any sex offense  
9 against such minor, as such sex offenses are defined in the  
10 Criminal Code of 1961 or the Criminal Code of 2012, or in  
11 the Wrongs to Children Act, and extending those definitions  
12 of sex offenses to include minors under 18 years of age;

13 (iv) commits or allows to be committed an act or acts  
14 of torture upon such minor;

15 (v) inflicts excessive corporal punishment;

16 (vi) commits or allows to be committed the offense of  
17 involuntary servitude, involuntary sexual servitude of a  
18 minor, or trafficking in persons as defined in Section 10-9  
19 of the Criminal Code of 1961 or the Criminal Code of 2012,  
20 upon such minor; or

21 (vii) allows, encourages or requires a minor to commit  
22 any act of prostitution, as defined in the Criminal Code of  
23 1961 or the Criminal Code of 2012, and extending those  
24 definitions to include minors under 18 years of age.

25 A minor shall not be considered abused for the sole reason  
26 that the minor has been relinquished in accordance with the

1 Abandoned Newborn Infant Protection Act.

2 (3) This Section does not apply to a minor who would be  
3 included herein solely for the purpose of qualifying for  
4 financial assistance for himself, his parents, guardian or  
5 custodian.

6 (4) The changes made by this amendatory Act of the 101st  
7 General Assembly apply to a case that is pending on or after  
8 the effective date of this amendatory Act of the 101st General  
9 Assembly.

10 (Source: P.A. 99-143, eff. 7-27-15.)

11 (705 ILCS 405/2-4) (from Ch. 37, par. 802-4)  
12 Sec. 2-4. Dependent minor.

13 (1) Those who are dependent include any minor under 18  
14 years of age or a minor 18 years of age or older for whom the  
15 court has made a finding of probable cause to believe the that  
16 minor is abused, neglected, or dependent under subsection (1)  
17 of Section 2-10 prior to the minor's 18th birthday:

18 (a) who is without a parent, guardian or legal  
19 custodian;

20 (b) who is without proper care because of the physical  
21 or mental disability of his parent, guardian or custodian;

22 (c) who is without proper medical or other remedial  
23 care recognized under State law or other care necessary for  
24 his or her well being through no fault, neglect or lack of  
25 concern by his parents, guardian or custodian, provided

1 that no order may be made terminating parental rights, nor  
2 may a minor be removed from the custody of his or her  
3 parents for longer than 6 months, pursuant to an  
4 adjudication as a dependent minor under this subdivision  
5 (c), unless it is found to be in his or her best interest  
6 by the court or the case automatically closes as provided  
7 under Section 2-31 of this Act; or

8 (d) who has a parent, guardian or legal custodian who  
9 with good cause wishes to be relieved of all residual  
10 parental rights and responsibilities, guardianship or  
11 custody, and who desires the appointment of a guardian of  
12 the person with power to consent to the adoption of the  
13 minor under Section 2-29.

14 (2) This Section does not apply to a minor who would be  
15 included herein solely for the purpose of qualifying for  
16 financial assistance for himself, his parent or parents,  
17 guardian or custodian or to a minor solely because his or her  
18 parent or parents or guardian has left the minor for any period  
19 of time in the care of an adult relative, who the parent or  
20 parents or guardian know is both a mentally capable adult  
21 relative and physically capable adult relative, as defined by  
22 this Act.

23 (3) The changes made by this amendatory Act of the 101st  
24 General Assembly apply to a case that is pending on or after  
25 the effective date of this amendatory Act of the 101st General  
26 Assembly.

1 (Source: P.A. 96-168, eff. 8-10-09.)

2 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

3 Sec. 2-23. Kinds of dispositional orders.

4 (1) The following kinds of orders of disposition may be  
5 made in respect of wards of the court:

6 (a) A minor ~~under 18 years of age~~ found to be neglected  
7 or abused under Section 2-3 or dependent under Section 2-4  
8 may be (1) continued in the custody of his or her parents,  
9 guardian or legal custodian; (2) placed in accordance with  
10 Section 2-27; (3) restored to the custody of the parent,  
11 parents, guardian, or legal custodian, provided the court  
12 shall order the parent, parents, guardian, or legal  
13 custodian to cooperate with the Department of Children and  
14 Family Services and comply with the terms of an after-care  
15 plan or risk the loss of custody of the child and the  
16 possible termination of their parental rights; or (4)  
17 ordered partially or completely emancipated in accordance  
18 with the provisions of the Emancipation of Minors Act.

19 However, in any case in which a minor is found by the  
20 court to be neglected or abused under Section 2-3 of this  
21 Act, custody of the minor shall not be restored to any  
22 parent, guardian or legal custodian whose acts or omissions  
23 or both have been identified, pursuant to subsection (1) of  
24 Section 2-21, as forming the basis for the court's finding  
25 of abuse or neglect, until such time as a hearing is held

1 on the issue of the best interests of the minor and the  
2 fitness of such parent, guardian or legal custodian to care  
3 for the minor without endangering the minor's health or  
4 safety, and the court enters an order that such parent,  
5 guardian or legal custodian is fit to care for the minor.

6 (b) A minor ~~under 18 years of age~~ found to be dependent  
7 under Section 2-4 may be (1) placed in accordance with  
8 Section 2-27 or (2) ordered partially or completely  
9 emancipated in accordance with the provisions of the  
10 Emancipation of Minors Act.

11 However, in any case in which a minor is found by the  
12 court to be dependent under Section 2-4 of this Act,  
13 custody of the minor shall not be restored to any parent,  
14 guardian or legal custodian whose acts or omissions or both  
15 have been identified, pursuant to subsection (1) of Section  
16 2-21, as forming the basis for the court's finding of  
17 dependency, until such time as a hearing is held on the  
18 issue of the fitness of such parent, guardian or legal  
19 custodian to care for the minor without endangering the  
20 minor's health or safety, and the court enters an order  
21 that such parent, guardian or legal custodian is fit to  
22 care for the minor.

23 (b-1) A minor between the ages of 18 and 21 may be  
24 placed pursuant to Section 2-27 of this Act if (1) the  
25 court has granted a supplemental petition to reinstate  
26 wardship of the minor pursuant to subsection (2) of Section

1           2-33, (2) the court has adjudicated the minor a ward of the  
2           court, permitted the minor to return home under an order of  
3           protection, and subsequently made a finding that it is in  
4           the minor's best interest to vacate the order of protection  
5           and commit the minor to the Department of Children and  
6           Family Services for care and service, or (3) the court  
7           returned the minor to the custody of the respondent under  
8           Section 2-4b of this Act without terminating the  
9           proceedings under Section 2-31 of this Act, and  
10          subsequently made a finding that it is in the minor's best  
11          interest to commit the minor to the Department of Children  
12          and Family Services for care and services.

13           (c) When the court awards guardianship to the  
14          Department of Children and Family Services, the court shall  
15          order the parents to cooperate with the Department of  
16          Children and Family Services, comply with the terms of the  
17          service plans, and correct the conditions that require the  
18          child to be in care, or risk termination of their parental  
19          rights.

20          (2) Any order of disposition may provide for protective  
21          supervision under Section 2-24 and may include an order of  
22          protection under Section 2-25.

23          Unless the order of disposition expressly so provides, it  
24          does not operate to close proceedings on the pending petition,  
25          but is subject to modification, not inconsistent with Section  
26          2-28, until final closing and discharge of the proceedings

1 under Section 2-31.

2 (3) The court also shall enter any other orders necessary  
3 to fulfill the service plan, including, but not limited to, (i)  
4 orders requiring parties to cooperate with services, (ii)  
5 restraining orders controlling the conduct of any party likely  
6 to frustrate the achievement of the goal, and (iii) visiting  
7 orders. When the child is placed separately from a sibling, the  
8 court shall review the Sibling Contact Support Plan developed  
9 under subsection (f) of Section 7.4 of the Children and Family  
10 Services Act, if applicable. If the Department has not convened  
11 a meeting to develop a Sibling Contact Support Plan, or if the  
12 court finds that the existing Plan is not in the child's best  
13 interest, the court may enter an order requiring the Department  
14 to develop and implement a Sibling Contact Support Plan under  
15 subsection (f) of Section 7.4 of the Children and Family  
16 Services Act or order mediation. Unless otherwise specifically  
17 authorized by law, the court is not empowered under this  
18 subsection (3) to order specific placements, specific  
19 services, or specific service providers to be included in the  
20 plan. If, after receiving evidence, the court determines that  
21 the services contained in the plan are not reasonably  
22 calculated to facilitate achievement of the permanency goal,  
23 the court shall put in writing the factual basis supporting the  
24 determination and enter specific findings based on the  
25 evidence. The court also shall enter an order for the  
26 Department to develop and implement a new service plan or to

1 implement changes to the current service plan consistent with  
2 the court's findings. The new service plan shall be filed with  
3 the court and served on all parties within 45 days after the  
4 date of the order. The court shall continue the matter until  
5 the new service plan is filed. Except as authorized by  
6 subsection (3.5) of this Section or authorized by law, the  
7 court is not empowered under this Section to order specific  
8 placements, specific services, or specific service providers  
9 to be included in the service plan.

10 (3.5) If, after reviewing the evidence, including evidence  
11 from the Department, the court determines that the minor's  
12 current or planned placement is not necessary or appropriate to  
13 facilitate achievement of the permanency goal, the court shall  
14 put in writing the factual basis supporting its determination  
15 and enter specific findings based on the evidence. If the court  
16 finds that the minor's current or planned placement is not  
17 necessary or appropriate, the court may enter an order  
18 directing the Department to implement a recommendation by the  
19 minor's treating clinician or a clinician contracted by the  
20 Department to evaluate the minor or a recommendation made by  
21 the Department. If the Department places a minor in a placement  
22 under an order entered under this subsection (3.5), the  
23 Department has the authority to remove the minor from that  
24 placement when a change in circumstances necessitates the  
25 removal to protect the minor's health, safety, and best  
26 interest. If the Department determines removal is necessary,

1 the Department shall notify the parties of the planned  
2 placement change in writing no later than 10 days prior to the  
3 implementation of its determination unless remaining in the  
4 placement poses an imminent risk of harm to the minor, in which  
5 case the Department shall notify the parties of the placement  
6 change in writing immediately following the implementation of  
7 its decision. The Department shall notify others of the  
8 decision to change the minor's placement as required by  
9 Department rule.

10 (4) In addition to any other order of disposition, the  
11 court may order any minor adjudicated neglected with respect to  
12 his or her own injurious behavior to make restitution, in  
13 monetary or non-monetary form, under the terms and conditions  
14 of Section 5-5-6 of the Unified Code of Corrections, except  
15 that the "presentence hearing" referred to therein shall be the  
16 dispositional hearing for purposes of this Section. The parent,  
17 guardian or legal custodian of the minor may pay some or all of  
18 such restitution on the minor's behalf.

19 (5) Any order for disposition where the minor is committed  
20 or placed in accordance with Section 2-27 shall provide for the  
21 parents or guardian of the estate of such minor to pay to the  
22 legal custodian or guardian of the person of the minor such  
23 sums as are determined by the custodian or guardian of the  
24 person of the minor as necessary for the minor's needs. Such  
25 payments may not exceed the maximum amounts provided for by  
26 Section 9.1 of the Children and Family Services Act.

1           (6) Whenever the order of disposition requires the minor to  
2 attend school or participate in a program of training, the  
3 truant officer or designated school official shall regularly  
4 report to the court if the minor is a chronic or habitual  
5 truant under Section 26-2a of the School Code.

6           (7) The court may terminate the parental rights of a parent  
7 at the initial dispositional hearing if all of the conditions  
8 in subsection (5) of Section 2-21 are met.

9           (Source: P.A. 100-45, eff. 8-11-17; 100-978, eff. 8-19-18.)

10           (705 ILCS 405/2-27) (from Ch. 37, par. 802-27)

11           Sec. 2-27. Placement; legal custody or guardianship.

12           (1) If the court determines and puts in writing the factual  
13 basis supporting the determination of whether the parents,  
14 guardian, or legal custodian of a minor adjudged a ward of the  
15 court are unfit or are unable, for some reason other than  
16 financial circumstances alone, to care for, protect, train or  
17 discipline the minor or are unwilling to do so, and that the  
18 health, safety, and best interest of the minor will be  
19 jeopardized if the minor remains in the custody of his or her  
20 parents, guardian or custodian, the court may at this hearing  
21 and at any later point:

22           (a) place the minor in the custody of a suitable  
23 relative or other person as legal custodian or guardian;

24           (a-5) with the approval of the Department of Children  
25 and Family Services, place the minor in the subsidized

1 guardianship of a suitable relative or other person as  
2 legal guardian; "subsidized guardianship" means a private  
3 guardianship arrangement for children for whom the  
4 permanency goals of return home and adoption have been  
5 ruled out and who meet the qualifications for subsidized  
6 guardianship as defined by the Department of Children and  
7 Family Services in administrative rules;

8 (b) place the minor under the guardianship of a  
9 probation officer;

10 (c) commit the minor to an agency for care or  
11 placement, except an institution under the authority of the  
12 Department of Corrections or of the Department of Children  
13 and Family Services;

14 (d) on and after the effective date of this amendatory  
15 Act of the 98th General Assembly and before January 1,  
16 2017, commit the minor to the Department of Children and  
17 Family Services for care and service; however, a minor  
18 charged with a criminal offense under the Criminal Code of  
19 1961 or the Criminal Code of 2012 or adjudicated delinquent  
20 shall not be placed in the custody of or committed to the  
21 Department of Children and Family Services by any court,  
22 except (i) a minor less than 16 years of age and committed  
23 to the Department of Children and Family Services under  
24 Section 5-710 of this Act, (ii) a minor under the age of 18  
25 for whom an independent basis of abuse, neglect, or  
26 dependency exists, or (iii) a minor for whom the court has

1 granted a supplemental petition to reinstate wardship  
2 pursuant to subsection (2) of Section 2-33 of this Act. On  
3 and after January 1, 2017, commit the minor to the  
4 Department of Children and Family Services for care and  
5 service; however, a minor charged with a criminal offense  
6 under the Criminal Code of 1961 or the Criminal Code of  
7 2012 or adjudicated delinquent shall not be placed in the  
8 custody of or committed to the Department of Children and  
9 Family Services by any court, except (i) a minor less than  
10 15 years of age and committed to the Department of Children  
11 and Family Services under Section 5-710 of this Act, (ii) a  
12 minor under the age of 18 for whom an independent basis of  
13 abuse, neglect, or dependency exists, or (iii) a minor for  
14 whom the court has granted a supplemental petition to  
15 reinstate wardship pursuant to subsection (2) of Section  
16 2-33 of this Act. An independent basis exists when the  
17 allegations or adjudication of abuse, neglect, or  
18 dependency do not arise from the same facts, incident, or  
19 circumstances which give rise to a charge or adjudication  
20 of delinquency. The Department shall be given due notice of  
21 the pendency of the action and the Guardianship  
22 Administrator of the Department of Children and Family  
23 Services shall be appointed guardian of the person of the  
24 minor. Whenever the Department seeks to discharge a minor  
25 from its care and service, the Guardianship Administrator  
26 shall petition the court for an order terminating

1 guardianship. The Guardianship Administrator may designate  
2 one or more other officers of the Department, appointed as  
3 Department officers by administrative order of the  
4 Department Director, authorized to affix the signature of  
5 the Guardianship Administrator to documents affecting the  
6 guardian-ward relationship of children for whom he or she  
7 has been appointed guardian at such times as he or she is  
8 unable to perform the duties of his or her office. The  
9 signature authorization shall include but not be limited to  
10 matters of consent of marriage, enlistment in the armed  
11 forces, legal proceedings, adoption, major medical and  
12 surgical treatment and application for driver's license.  
13 Signature authorizations made pursuant to the provisions  
14 of this paragraph shall be filed with the Secretary of  
15 State and the Secretary of State shall provide upon payment  
16 of the customary fee, certified copies of the authorization  
17 to any court or individual who requests a copy.

18 (1.5) In making a determination under this Section, the  
19 court shall also consider whether, based on health, safety, and  
20 the best interests of the minor,

21 (a) appropriate services aimed at family preservation  
22 and family reunification have been unsuccessful in  
23 rectifying the conditions that have led to a finding of  
24 unfitness or inability to care for, protect, train, or  
25 discipline the minor, or

26 (b) no family preservation or family reunification

1 services would be appropriate,  
2 and if the petition or amended petition contained an allegation  
3 that the parent is an unfit person as defined in subdivision  
4 (D) of Section 1 of the Adoption Act, and the order of  
5 adjudication recites that parental unfitness was established  
6 by clear and convincing evidence, the court shall, when  
7 appropriate and in the best interest of the minor, enter an  
8 order terminating parental rights and appointing a guardian  
9 with power to consent to adoption in accordance with Section  
10 2-29.

11 When making a placement, the court, wherever possible,  
12 shall require the Department of Children and Family Services to  
13 select a person holding the same religious belief as that of  
14 the minor or a private agency controlled by persons of like  
15 religious faith of the minor and shall require the Department  
16 to otherwise comply with Section 7 of the Children and Family  
17 Services Act in placing the child. In addition, whenever  
18 alternative plans for placement are available, the court shall  
19 ascertain and consider, to the extent appropriate in the  
20 particular case, the views and preferences of the minor.

21 (2) When a minor is placed with a suitable relative or  
22 other person pursuant to item (a) of subsection (1), the court  
23 shall appoint him or her the legal custodian or guardian of the  
24 person of the minor. When a minor is committed to any agency,  
25 the court shall appoint the proper officer or representative  
26 thereof as legal custodian or guardian of the person of the

1 minor. Legal custodians and guardians of the person of the  
2 minor have the respective rights and duties set forth in  
3 subsection (9) of Section 1-3 except as otherwise provided by  
4 order of court; but no guardian of the person may consent to  
5 adoption of the minor unless that authority is conferred upon  
6 him or her in accordance with Section 2-29. An agency whose  
7 representative is appointed guardian of the person or legal  
8 custodian of the minor may place the minor in any child care  
9 facility, but the facility must be licensed under the Child  
10 Care Act of 1969 or have been approved by the Department of  
11 Children and Family Services as meeting the standards  
12 established for such licensing. No agency may place a minor  
13 adjudicated under Sections 2-3 or 2-4 in a child care facility  
14 unless the placement is in compliance with the rules and  
15 regulations for placement under this Section promulgated by the  
16 Department of Children and Family Services under Section 5 of  
17 the Children and Family Services Act. Like authority and  
18 restrictions shall be conferred by the court upon any probation  
19 officer who has been appointed guardian of the person of a  
20 minor.

21 (3) No placement by any probation officer or agency whose  
22 representative is appointed guardian of the person or legal  
23 custodian of a minor may be made in any out of State child care  
24 facility unless it complies with the Interstate Compact on the  
25 Placement of Children. Placement with a parent, however, is not  
26 subject to that Interstate Compact.

1           (4) The clerk of the court shall issue to the legal  
2 custodian or guardian of the person a certified copy of the  
3 order of court, as proof of his authority. No other process is  
4 necessary as authority for the keeping of the minor.

5           (5) Custody or guardianship granted under this Section  
6 continues until the court otherwise directs, but not after the  
7 minor reaches the age of 19 years except as set forth in  
8 Section 2-31, or if the minor was previously committed to the  
9 Department of Children and Family Services for care and service  
10 and the court has granted a supplemental petition to reinstate  
11 wardship pursuant to subsection (2) of Section 2-33.

12           (6) (Blank).

13           (Source: P.A. 97-1150, eff. 1-25-13; 98-803, eff. 1-1-15.)

14           (705 ILCS 405/5-710)

15           Sec. 5-710. Kinds of sentencing orders.

16           (1) The following kinds of sentencing orders may be made in  
17 respect of wards of the court:

18           (a) Except as provided in Sections 5-805, 5-810, and  
19 5-815, a minor who is found guilty under Section 5-620 may  
20 be:

21           (i) put on probation or conditional discharge and  
22 released to his or her parents, guardian or legal  
23 custodian, provided, however, that any such minor who  
24 is not committed to the Department of Juvenile Justice  
25 under this subsection and who is found to be a

1 delinquent for an offense which is first degree murder,  
2 a Class X felony, or a forcible felony shall be placed  
3 on probation;

4 (ii) placed in accordance with Section 5-740, with  
5 or without also being put on probation or conditional  
6 discharge;

7 (iii) required to undergo a substance abuse  
8 assessment conducted by a licensed provider and  
9 participate in the indicated clinical level of care;

10 (iv) on and after the effective date of this  
11 amendatory Act of the 98th General Assembly and before  
12 January 1, 2017, placed in the guardianship of the  
13 Department of Children and Family Services, but only if  
14 the delinquent minor is under 16 years of age or,  
15 pursuant to Article II of this Act, a minor under the  
16 age of 18 for whom an independent basis of abuse,  
17 neglect, or dependency exists. On and after January 1,  
18 2017, placed in the guardianship of the Department of  
19 Children and Family Services, but only if the  
20 delinquent minor is under 15 years of age or, pursuant  
21 to Article II of this Act, a minor for whom an  
22 independent basis of abuse, neglect, or dependency  
23 exists. An independent basis exists when the  
24 allegations or adjudication of abuse, neglect, or  
25 dependency do not arise from the same facts, incident,  
26 or circumstances which give rise to a charge or

1 adjudication of delinquency;

2 (v) placed in detention for a period not to exceed  
3 30 days, either as the exclusive order of disposition  
4 or, where appropriate, in conjunction with any other  
5 order of disposition issued under this paragraph,  
6 provided that any such detention shall be in a juvenile  
7 detention home and the minor so detained shall be 10  
8 years of age or older. However, the 30-day limitation  
9 may be extended by further order of the court for a  
10 minor under age 15 committed to the Department of  
11 Children and Family Services if the court finds that  
12 the minor is a danger to himself or others. The minor  
13 shall be given credit on the sentencing order of  
14 detention for time spent in detention under Sections  
15 5-501, 5-601, 5-710, or 5-720 of this Article as a  
16 result of the offense for which the sentencing order  
17 was imposed. The court may grant credit on a sentencing  
18 order of detention entered under a violation of  
19 probation or violation of conditional discharge under  
20 Section 5-720 of this Article for time spent in  
21 detention before the filing of the petition alleging  
22 the violation. A minor shall not be deprived of credit  
23 for time spent in detention before the filing of a  
24 violation of probation or conditional discharge  
25 alleging the same or related act or acts. The  
26 limitation that the minor shall only be placed in a

1 juvenile detention home does not apply as follows:

2 Persons 18 years of age and older who have a  
3 petition of delinquency filed against them may be  
4 confined in an adult detention facility. In making a  
5 determination whether to confine a person 18 years of  
6 age or older who has a petition of delinquency filed  
7 against the person, these factors, among other  
8 matters, shall be considered:

9 (A) the age of the person;

10 (B) any previous delinquent or criminal  
11 history of the person;

12 (C) any previous abuse or neglect history of  
13 the person;

14 (D) any mental health history of the person;  
15 and

16 (E) any educational history of the person;

17 (vi) ordered partially or completely emancipated  
18 in accordance with the provisions of the Emancipation  
19 of Minors Act;

20 (vii) subject to having his or her driver's license  
21 or driving privileges suspended for such time as  
22 determined by the court but only until he or she  
23 attains 18 years of age;

24 (viii) put on probation or conditional discharge  
25 and placed in detention under Section 3-6039 of the  
26 Counties Code for a period not to exceed the period of

1           incarceration permitted by law for adults found guilty  
2           of the same offense or offenses for which the minor was  
3           adjudicated delinquent, and in any event no longer than  
4           upon attainment of age 21; this subdivision (viii)  
5           notwithstanding any contrary provision of the law;

6           (ix) ordered to undergo a medical or other  
7           procedure to have a tattoo symbolizing allegiance to a  
8           street gang removed from his or her body; or

9           (x) placed in electronic monitoring or home  
10          detention under Part 7A of this Article.

11          (b) A minor found to be guilty may be committed to the  
12          Department of Juvenile Justice under Section 5-750 if the  
13          minor is at least 13 years and under 20 years of age,  
14          provided that the commitment to the Department of Juvenile  
15          Justice shall be made only if the minor was found guilty of  
16          a felony offense or first degree murder. The court shall  
17          include in the sentencing order any pre-custody credits the  
18          minor is entitled to under Section 5-4.5-100 of the Unified  
19          Code of Corrections. The time during which a minor is in  
20          custody before being released upon the request of a parent,  
21          guardian or legal custodian shall also be considered as  
22          time spent in custody.

23          (c) When a minor is found to be guilty for an offense  
24          which is a violation of the Illinois Controlled Substances  
25          Act, the Cannabis Control Act, or the Methamphetamine  
26          Control and Community Protection Act and made a ward of the

1 court, the court may enter a disposition order requiring  
2 the minor to undergo assessment, counseling or treatment in  
3 a substance use disorder treatment program approved by the  
4 Department of Human Services.

5 (2) Any sentencing order other than commitment to the  
6 Department of Juvenile Justice may provide for protective  
7 supervision under Section 5-725 and may include an order of  
8 protection under Section 5-730.

9 (3) Unless the sentencing order expressly so provides, it  
10 does not operate to close proceedings on the pending petition,  
11 but is subject to modification until final closing and  
12 discharge of the proceedings under Section 5-750.

13 (4) In addition to any other sentence, the court may order  
14 any minor found to be delinquent to make restitution, in  
15 monetary or non-monetary form, under the terms and conditions  
16 of Section 5-5-6 of the Unified Code of Corrections, except  
17 that the "presentencing hearing" referred to in that Section  
18 shall be the sentencing hearing for purposes of this Section.  
19 The parent, guardian or legal custodian of the minor may be  
20 ordered by the court to pay some or all of the restitution on  
21 the minor's behalf, pursuant to the Parental Responsibility  
22 Law. The State's Attorney is authorized to act on behalf of any  
23 victim in seeking restitution in proceedings under this  
24 Section, up to the maximum amount allowed in Section 5 of the  
25 Parental Responsibility Law.

26 (5) Any sentencing order where the minor is committed or

1 placed in accordance with Section 5-740 shall provide for the  
2 parents or guardian of the estate of the minor to pay to the  
3 legal custodian or guardian of the person of the minor such  
4 sums as are determined by the custodian or guardian of the  
5 person of the minor as necessary for the minor's needs. The  
6 payments may not exceed the maximum amounts provided for by  
7 Section 9.1 of the Children and Family Services Act.

8 (6) Whenever the sentencing order requires the minor to  
9 attend school or participate in a program of training, the  
10 truant officer or designated school official shall regularly  
11 report to the court if the minor is a chronic or habitual  
12 truant under Section 26-2a of the School Code. Notwithstanding  
13 any other provision of this Act, in instances in which  
14 educational services are to be provided to a minor in a  
15 residential facility where the minor has been placed by the  
16 court, costs incurred in the provision of those educational  
17 services must be allocated based on the requirements of the  
18 School Code.

19 (7) In no event shall a guilty minor be committed to the  
20 Department of Juvenile Justice for a period of time in excess  
21 of that period for which an adult could be committed for the  
22 same act. The court shall include in the sentencing order a  
23 limitation on the period of confinement not to exceed the  
24 maximum period of imprisonment the court could impose under  
25 Article V of the Unified Code of Corrections.

26 (7.5) In no event shall a guilty minor be committed to the

1 Department of Juvenile Justice or placed in detention when the  
2 act for which the minor was adjudicated delinquent would not be  
3 illegal if committed by an adult.

4 (7.6) In no event shall a guilty minor be committed to the  
5 Department of Juvenile Justice for an offense which is a Class  
6 4 felony under Section 19-4 (criminal trespass to a residence),  
7 21-1 (criminal damage to property), 21-1.01 (criminal damage to  
8 government supported property), 21-1.3 (criminal defacement of  
9 property), 26-1 (disorderly conduct), or 31-4 (obstructing  
10 justice) of the Criminal Code of 2012.

11 (7.75) In no event shall a guilty minor be committed to the  
12 Department of Juvenile Justice for an offense that is a Class 3  
13 or Class 4 felony violation of the Illinois Controlled  
14 Substances Act unless the commitment occurs upon a third or  
15 subsequent judicial finding of a violation of probation for  
16 substantial noncompliance with court-ordered treatment or  
17 programming.

18 (8) A minor found to be guilty for reasons that include a  
19 violation of Section 21-1.3 of the Criminal Code of 1961 or the  
20 Criminal Code of 2012 shall be ordered to perform community  
21 service for not less than 30 and not more than 120 hours, if  
22 community service is available in the jurisdiction. The  
23 community service shall include, but need not be limited to,  
24 the cleanup and repair of the damage that was caused by the  
25 violation or similar damage to property located in the  
26 municipality or county in which the violation occurred. The

1 order may be in addition to any other order authorized by this  
2 Section.

3 (8.5) A minor found to be guilty for reasons that include a  
4 violation of Section 3.02 or Section 3.03 of the Humane Care  
5 for Animals Act or paragraph (d) of subsection (1) of Section  
6 21-1 of the Criminal Code of 1961 or paragraph (4) of  
7 subsection (a) of Section 21-1 of the Criminal Code of 2012  
8 shall be ordered to undergo medical or psychiatric treatment  
9 rendered by a psychiatrist or psychological treatment rendered  
10 by a clinical psychologist. The order may be in addition to any  
11 other order authorized by this Section.

12 (9) In addition to any other sentencing order, the court  
13 shall order any minor found to be guilty for an act which would  
14 constitute, predatory criminal sexual assault of a child,  
15 aggravated criminal sexual assault, criminal sexual assault,  
16 aggravated criminal sexual abuse, or criminal sexual abuse if  
17 committed by an adult to undergo medical testing to determine  
18 whether the defendant has any sexually transmissible disease  
19 including a test for infection with human immunodeficiency  
20 virus (HIV) or any other identified causative agency of  
21 acquired immunodeficiency syndrome (AIDS). Any medical test  
22 shall be performed only by appropriately licensed medical  
23 practitioners and may include an analysis of any bodily fluids  
24 as well as an examination of the minor's person. Except as  
25 otherwise provided by law, the results of the test shall be  
26 kept strictly confidential by all medical personnel involved in

1 the testing and must be personally delivered in a sealed  
2 envelope to the judge of the court in which the sentencing  
3 order was entered for the judge's inspection in camera. Acting  
4 in accordance with the best interests of the victim and the  
5 public, the judge shall have the discretion to determine to  
6 whom the results of the testing may be revealed. The court  
7 shall notify the minor of the results of the test for infection  
8 with the human immunodeficiency virus (HIV). The court shall  
9 also notify the victim if requested by the victim, and if the  
10 victim is under the age of 15 and if requested by the victim's  
11 parents or legal guardian, the court shall notify the victim's  
12 parents or the legal guardian, of the results of the test for  
13 infection with the human immunodeficiency virus (HIV). The  
14 court shall provide information on the availability of HIV  
15 testing and counseling at the Department of Public Health  
16 facilities to all parties to whom the results of the testing  
17 are revealed. The court shall order that the cost of any test  
18 shall be paid by the county and may be taxed as costs against  
19 the minor.

20 (10) When a court finds a minor to be guilty the court  
21 shall, before entering a sentencing order under this Section,  
22 make a finding whether the offense committed either: (a) was  
23 related to or in furtherance of the criminal activities of an  
24 organized gang or was motivated by the minor's membership in or  
25 allegiance to an organized gang, or (b) involved a violation of  
26 subsection (a) of Section 12-7.1 of the Criminal Code of 1961

1 or the Criminal Code of 2012, a violation of any Section of  
2 Article 24 of the Criminal Code of 1961 or the Criminal Code of  
3 2012, or a violation of any statute that involved the wrongful  
4 use of a firearm. If the court determines the question in the  
5 affirmative, and the court does not commit the minor to the  
6 Department of Juvenile Justice, the court shall order the minor  
7 to perform community service for not less than 30 hours nor  
8 more than 120 hours, provided that community service is  
9 available in the jurisdiction and is funded and approved by the  
10 county board of the county where the offense was committed. The  
11 community service shall include, but need not be limited to,  
12 the cleanup and repair of any damage caused by a violation of  
13 Section 21-1.3 of the Criminal Code of 1961 or the Criminal  
14 Code of 2012 and similar damage to property located in the  
15 municipality or county in which the violation occurred. When  
16 possible and reasonable, the community service shall be  
17 performed in the minor's neighborhood. This order shall be in  
18 addition to any other order authorized by this Section except  
19 for an order to place the minor in the custody of the  
20 Department of Juvenile Justice. For the purposes of this  
21 Section, "organized gang" has the meaning ascribed to it in  
22 Section 10 of the Illinois Streetgang Terrorism Omnibus  
23 Prevention Act.

24 (11) If the court determines that the offense was committed  
25 in furtherance of the criminal activities of an organized gang,  
26 as provided in subsection (10), and that the offense involved

1 the operation or use of a motor vehicle or the use of a  
2 driver's license or permit, the court shall notify the  
3 Secretary of State of that determination and of the period for  
4 which the minor shall be denied driving privileges. If, at the  
5 time of the determination, the minor does not hold a driver's  
6 license or permit, the court shall provide that the minor shall  
7 not be issued a driver's license or permit until his or her  
8 18th birthday. If the minor holds a driver's license or permit  
9 at the time of the determination, the court shall provide that  
10 the minor's driver's license or permit shall be revoked until  
11 his or her 21st birthday, or until a later date or occurrence  
12 determined by the court. If the minor holds a driver's license  
13 at the time of the determination, the court may direct the  
14 Secretary of State to issue the minor a judicial driving  
15 permit, also known as a JDP. The JDP shall be subject to the  
16 same terms as a JDP issued under Section 6-206.1 of the  
17 Illinois Vehicle Code, except that the court may direct that  
18 the JDP be effective immediately.

19 (12) If a minor is found to be guilty of a violation of  
20 subsection (a-7) of Section 1 of the Prevention of Tobacco Use  
21 by Minors Act, the court may, in its discretion, and upon  
22 recommendation by the State's Attorney, order that minor and  
23 his or her parents or legal guardian to attend a smoker's  
24 education or youth diversion program as defined in that Act if  
25 that program is available in the jurisdiction where the  
26 offender resides. Attendance at a smoker's education or youth

1 diversion program shall be time-credited against any community  
2 service time imposed for any first violation of subsection  
3 (a-7) of Section 1 of that Act. In addition to any other  
4 penalty that the court may impose for a violation of subsection  
5 (a-7) of Section 1 of that Act, the court, upon request by the  
6 State's Attorney, may in its discretion require the offender to  
7 remit a fee for his or her attendance at a smoker's education  
8 or youth diversion program.

9 For purposes of this Section, "smoker's education program"  
10 or "youth diversion program" includes, but is not limited to, a  
11 seminar designed to educate a person on the physical and  
12 psychological effects of smoking tobacco products and the  
13 health consequences of smoking tobacco products that can be  
14 conducted with a locality's youth diversion program.

15 In addition to any other penalty that the court may impose  
16 under this subsection (12):

17 (a) If a minor violates subsection (a-7) of Section 1  
18 of the Prevention of Tobacco Use by Minors Act, the court  
19 may impose a sentence of 15 hours of community service or a  
20 fine of \$25 for a first violation.

21 (b) A second violation by a minor of subsection (a-7)  
22 of Section 1 of that Act that occurs within 12 months after  
23 the first violation is punishable by a fine of \$50 and 25  
24 hours of community service.

25 (c) A third or subsequent violation by a minor of  
26 subsection (a-7) of Section 1 of that Act that occurs

1           within 12 months after the first violation is punishable by  
2           a \$100 fine and 30 hours of community service.

3           (d) Any second or subsequent violation not within the  
4           12-month time period after the first violation is  
5           punishable as provided for a first violation.

6           (Source: P.A. 99-268, eff. 1-1-16; 99-628, eff. 1-1-17; 99-879,  
7           eff. 1-1-17; 100-201, eff. 8-18-17; 100-431, eff. 8-25-17;  
8           100-759, eff. 1-1-19.)

9           Section 99. Effective date. This Act takes effect upon  
10          becoming law.".